

PAUL WARNER, United States Attorney (#3389)
KARIN FOJTIK, Assistant United States Attorney (#7527)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake city, Utah 84111-1506
Telephone: (801) 524-5682
Facsimile: (801) 524-6924

FILED WITH

FEB 07 2006

UNITED STATES
MAGISTRATE JUDGE
SAMUEL ALBA

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. <u>A-06-48M</u>
	:	
Plaintiff,	:	
	:	COMPLAINT
vs.	:	
	:	
	:	
ROYCE MERLYN RODGERS,	:	VIO:18 U.S.C. § 2422(b)
	:	[Coercion and Enticement For Illegal
Defendant	:	Sexual Activity];

Before the Honorable Samuel Alba, United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I
(18 U.S.C. § 2422(b))
(Coercion and Enticement)

On February 6, 2006, in the Central Division of the District of Utah,

ROYCE MERLYN RODGERS,

the defendant herein, did knowingly and intentionally, by means of a facility of interstate

commerce, persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in sexual activity for which a person can be charged with a criminal offense, or attempted to so persuade, induce, entice, and coerce; all violation of Title 18, United States Code, Section 2422(b).

STATEMENT OF FACTS

I, Petra Butler, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since 1995. I also was employed for five years with the Secret Service. I am currently assigned to the Provo Resident Agency.

2. I am currently assigned to the Utah County Sex Crimes Task Force. My training includes attendance at the Innocent Images On-Line Investigation Course as well as Various crimes against children investigative courses. In the course of my employment, I have investigated numerous cases involving coercion and enticement.

3. This affidavit is made in support of a criminal complaint charging ROYCE MERLYN RODGERS with attempting to persuade, induce, entice and coerce an individual who had not attained the age of 18 years, to engage in sexual activity in violation of 18 U.S.C. § 2422(b).

4. The information set forth below has come from either personal investigation or has been related to me personally by other law enforcement officers associated with this investigation.

5. Your affiant knows that in November and December 2005, and again on February 3, 2006, and February 6, 2006, members of the Utah County Sex Crimes Task Force, entered a Yahoo! chatroom using the persona of a 13 year old girl and a screen name "taygirl_chick." In November and December of 2005 this screen name was contacted via Yahoo! Instant Messenger by an individual using the screen name, "dm4u76" and "Scott Lean." Additionally, in February 2006, "taygirl_chick" was contacted by an individual using the screenname scotty4545. After arrest Rodgers admitted to using all three of the screen names when speaking with "taygirl_chick."

6. Rodgers initiated chats with "taygirl_chick" at least four times in November and December of 2005. In these chats "taygirl_chick" said she would be 14 years old in January and Rodgers expressed concerns about meeting her for sexual activity because it would be "very illegal" in Utah. In the chats Rodgers suggested they would meet in a mall and return to his car to engage in intercourse. He also asked if she would wear a skirt without underwear when they met. A meeting was arranged at a shopping mall in December 2005. A male individual was observed at the time arranged from the meeting but he left the scene. Law enforcement observed this individual, and can now identify the individual who arrived at the mall in December 2005 to meet "taygirl_chick" as Rodgers. Their sexual conversations included references to "taygirl_chick" become his "slave" and Rodgers would be her "master."

7. In December 2005, when "taygirl_chick" chatted with Rodgers after the

arranged meeting, he expressed concerns that she was not a "real person." "taygirl_chick" responded, "no I am a fake girl." He expressed concerns about running into people he knew at the mall.

8. On February 3, 2006, Rodgers again initiated a chat with "taygirl_chick." Rodgers suggested they meet again. He again suggested that if they met they would have sexual intercourse. She again reminded Rodgers she was under 14 years old. On February 6, 2006, Rodgers again initiated a chat with "taygirl_chick." Rodgers indicated they should meet that day. Rodgers asked her to explain, "why you want to be my slave you know what we will do just want to make sure you know and I am twice your age." "taygirl_chick" indicated she thought he could "teach" her. A meeting was arranged for a park in Spanish Fork, Utah. He stated they could meet and talk "or more."

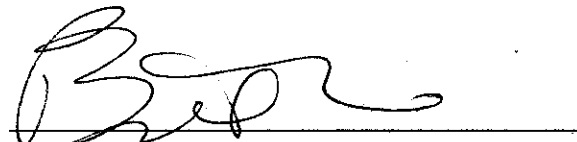
9. At the time arranged for the meeting officers observed a male individual arrive in a vehicle. Law enforcement recognized Rodgers as the individual at the mall at the arranged meeting in December 2005 and from photographs he had sent "taygirl_chick." When first approached by law enforcement he stated, "I thought she was older."

10. Rodgers was arrested and taken back to the station and read *Miranda* rights. Rodgers then admitted he had used the three different screen names and initialed the pages of the February chats. He stated he believed she was older than 13 and indicated he only wanted to meet her to determine her age. He signed a consent for law enforcement to take his computer. He was not immediately told that "taygirl_chick" was an undercover

officer. Rodgers wrote an apology letter and indicated "people get caught up in things they did or did not intend to."

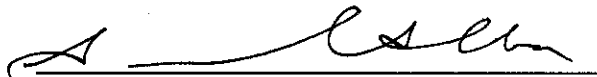
11. I know from experience that Yahoo! is located in Sunnyvale, California and that any transmission from a person using Yahoo! is relayed to and from California. Because defendant and your affiant were using Yahoo! to communicate, the sexually explicit communications traveled in interstate commerce.

14. The defendant, Royce Merlyn Rodgers, attempted to meet the 13 year-old female in Provo, Utah for purpose of conducting illegal sexual behavior, which act, if completed would constitute a criminal offense under Utah law. Your affiant submits there is probable cause to believe that Rodgers violated 18 U.S.C. § 2422(b), Coercion and Enticement for Illegal Sexual Activity.



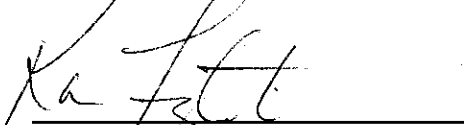
Special Agent Petra Butler
Federal Bureau of Investigations

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7th DAY OF February, 2006.



Hon. Samuel Alba
United States Magistrate Judge

APPROVED: PAUL WARNER



KARIN FOJTIC
Assistant United States Attorney